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WORKMAN NYDEGGER/MICROSOFT
1000 EAGLE GATE TOWER
60 EAST SOUTH TEMPLE
SALT LAKE CITY, UT 84111

EXAMINER

SHINGLES, KRISTIE D

ART UNIT PAPER NUMBER

2141

DATE MAILED: 06/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/770,644

Applicant(s)

PAZ ET AL.

Examiner

Kristie Shingles

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 31-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 31-44 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/05 & 4/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

*Per Applicant's Request for Continued Examination: Applicant has amended claims 31-36.
Claims 31-44 are pending.*

Response to Arguments

1. Applicant's arguments with respect to claims 31 and 36 have been considered but are moot in view of the new ground(s) of rejection.

Information Disclosure Statement

2. The information disclosure statements (IDS) submitted on 3/18/2005 and 4/26/2005 are in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statements are being considered by the Office. Initialed and dated copies of Applicant's IDS 1449 forms are attached to the instant Office action.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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4. Claims **36-38** and **41-43** are rejected under 35 U.S.C. 102(b) as being anticipated by *Hooper et al* (USPN 5,493,638).

a. **Per claim 36**, *Hooper et al* teach a compression-modified software that generates at least one display to be viewed, comprising: one or more computer readable media having stored thereon:

- a program that when running at a server generates a display representing a user interface for viewing at a remote client as a compressed video stream (col.2 lines 37-57, col.4 line 3-col.5 line 41, col.8 lines 9-65 and col.12 lines 7-67; server generates the remote display of the graphical interface for remote client viewing of the compressed video stream); and
- a compression-responsive module that when running at a server receives an indication of one or more restrictions related to compression of said display and which controls said module to generate said display responsive to said indication, wherein said display is modified relative to a display generated without said restrictions in order to meet said one or more restrictions when creating a compressed video stream of said display to be sent to said remote client (col.5 line 17-col.6 line 5, col.6 line 54-col.7 line 65 and col.12 lines 7-67; provision for MPEG compression of the video data stream—a frame display controller and authoring process control the modifications of the compressed video frames for display at the remote client)

b. **Per claim 37**, *Hooper et al* teach software according to claim 36, wherein said indication comprises a message from a computer on which said software is executed (col.3 line 31-col.4 line 2).

c. **Per claim 38**, *Hooper et al* teach software according to claim 36, wherein said indication comprises a configuration file (col.7 lines 28-col.8 line 18; parameter file).

d. **Per claim 41**, *Hooper et al* teach software according to claim 36, wherein said modified display is modified to reduce required for compression (col.6 line 69-col.7 line 33 and col.7 line 57-col.8 line 8).

e. **Per claim 42**, *Hooper et al* teach software according to claim 36, wherein said display is modified by moving at least one object, relative to its display location for a non-compressed display (col.3 line 31-col.4 line 24).

f. **Per claim 43**, *Hooper et al* teach software according to claim 36, wherein said display is modified utilizing a different object for a compressed display than for a non-compressed (col.2 line 48-col.4 line 7 and col.5 line 64-col.7 line 45).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims **31, 34, 35 and 44** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Hooper et al* (USPN 5,493,638) in view of *Beranek et al* (USPN 6,226,642).

a. **Per claim 31**, *Hooper et al* teach a software program, comprising: one or more computer readable media having stored thereon:

- a restriction module that when running at a server receives one or more restrictions defining one or more limitations imposed by a compression method to be used in generating a display representing a user interface for viewing at a remote client as a compressed video stream (col.2 lines 37-57, col.4 line 3-col.5 line 41, col.8 lines 9-65 and col.12 lines 7-67; server generates the remote display of the graphical interface for remote client viewing of the compressed video stream); and
- a design module that when running at the server, lays out one or more display elements for said user interface, responsive to said received one or more

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limitations in order to meet said one or more limitations when creating a compressed video stream of said display to be sent to said remote client (col.5 line 17-col.6 line 5, col.6 line 54-col.7 line 65 and col.12 lines 7-67; provision for MPEG compression of the video data stream—a frame display controller and authoring process control the modifications of the compressed video frames for display at the remote client)

Yet *Hooper et al* fail to explicitly teach a software program for WWW page design, wherein the generation of a display represents a user interface for one or more WWW pages. However, *Beranek et al* disclose dynamically controlling and modifying Web content prior to its display in a browser at a client side Web appliance display device (Abstract and col.2 line 19-col.4 line 8).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Hooper et al* and *Beranek et al* for the purpose of including the generation of WWW pages in the display of video stream data from a server; because it would be obvious to extend the access and modification of video data to include WWW pages from a server over a network, since the WWW pages are sources and references of retrievable and displayable data in a network or over the Internet.

b. **Claim 44** is substantially similar to claims 31 and 34 is therefor rejected under the same basis.

c. **Per claim 34**, *Hooper et al* and *Beranek et al* teach the software according to claim 31, *Beranek et al* further teach the software wherein said one or more computer readable media have stored thereon an automated WWW page generator for a WWW server (col.2 lines 37-62 and col.3 lines 39-63).

d. **Per claim 35**, *Hooper et al* and *Beranek et al* teach the software according to claim 34, *Hooper et al* further teach the software comprising a communication module for receiving said one or more restrictions from a server associated with said compression (col.2 lines 37-57, col.4 line 3-col.5 line 41, col.8 lines 9-65 and col.12 lines 7-67).

7. Claim **32** is rejected under 35 U.S.C. 103(a) as being unpatentable over *Hooper et al* (USPN 5,493,638) and *Beranek et al* (USPN 6,226,642) in view of *Higashida* (USPN 5,990,976).

Per claim 32, *Hooper et al* and *Beranek et al* teach the software program of claim 31 as applied above, yet fail to explicitly teach the software according to claim 31, wherein said one or more restrictions include a block size definition. However, *Higashida* discloses implementation of various compression methods, where at least one comprises restrictions and transforms realized through compression blocks and variable-length encoding (col.3 line 27-col.4 line 67, col.5 line 1-col.6 line 67 and col.11 line 57-col.12 line 19).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Schaphorst et al* and *Higashida* for the purpose of inclusion of various compression techniques, encompassing those with block-size transform definitions; because it would extend the system's functionality and usability beyond the limited capacity of a single compression method.

8. Claims **33, 39 and 40** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Hooper et al* (USPN 5,493,638) and *Beranek et al* (USPN 6,226,642) in view of *Anigbogu et al* (USPN 6,021,198).

a. **Per claim 39**, *Hooper et al* teach software according to claim 36 as applied above, yet fail to distinctly teach the software, wherein said modified display is modified to meet a bandwidth requirement. However, *Anigbogu et al* disclose a means for compressing a file based on the physical bandwidth, capabilities of the receiving devices and the degree of compressibility (col.4 lines 13-col.5 line 3).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of *Schaphorst et al* and *Anigbogu et al* for the purpose of making the bandwidth limitations and requirements readily known to prevent the system from experiencing transmission delays and bottlenecks due to the various types of compression techniques useable on the data. This would therefore allow for efficient bandwidth allocation and balancing across the different devices in communication with the system.

b. **Claims 33 and 40** are substantially similar to claim 33 and are therefore rejected under the same basis.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Geshwind (USPN 6,507,872), Rosin et al (USPN 6,397,387), Kamada (USPN 6,622,306), Mighdoll et al (USPN 6,311,197), Lewis (USPN 5,564,001) and Lin et al (USPN 6,381,748).

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10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie Shingles whose telephone number is 571-272-3888. The examiner can normally be reached on Monday-Friday 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kristie Shingles
Examiner
Art Unit 2141

kds


RUPAL DHARIA
SUPERVISORY PATENT EXAMINER